

ANALYSIS

An ordinance amending Title 1 – General Provisions of the Los Angeles County Code, to add Chapter 1.23 relating to the enhancement of the existing regulations, processes, and remedies for the abatement of public nuisances on properties located in the unincorporated areas of the County of Los Angeles.

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By 

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DP:ss

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ORDINANCE NO. _____

An ordinance amending Title 1 – General Provisions of the Los Angeles County Code, to add Chapter 1.23 relating to the enhancement of the existing regulations, processes, and remedies for the abatement of public nuisances on properties located in the unincorporated areas of the County of Los Angeles.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 1.23 is hereby added to Title 1 – General Provisions of the Los Angeles County Code to read as follows:

1.23 NUISANCE ABATEMENT ORDINANCE

1.23.010 Purpose.

1.23.020 Short Title.

1.23.030 Person and Property Defined.

1.23.040 Public Nuisance Defined.

1.23.050 Maintaining Public Nuisance Unlawful.

1.23.060 Public Nuisance Abatement; Officer Responsible.

1.23.070 Abatement Cost Recovery.

1.23.080 Attorneys' Fees.

1.23.090 Civil Penalties.

1.23.100 Treble Damages.

1.23.110 Cumulative Remedies.

1.23.010 Purpose.

The purpose of this chapter is to strengthen the existing regulations, processes, and remedies for the abatement of public nuisances on properties located in the unincorporated areas of the County of Los Angeles. Certain uses of properties in the County endanger public health, safety and welfare, invite crime, reduce property values, degrade the environment, and negatively impact the quality of life of the residents. Such uses are hereby declared detrimental to the community's tranquility and security and shall be abated in accordance with this code, and any applicable constitutional and State law provisions.

1.23.020 Short Title.

This chapter shall be known as the "Nuisance Abatement Ordinance."

1.23.030 Person and Property Defined.

A. "Person" means any individual, partnership, limited liability company, corporation, joint venture, association, estate, unincorporated organization, or any other legal entity.

B. "Property" means any real property located in the unincorporated areas of the County of Los Angeles, including any buildings, structures, or other improvements thereon.

1.23.040 Public Nuisance Defined.

Any condition on a property that is maintained in violation of any provision of Titles 7 through 32 of this code shall be deemed unlawful and a public nuisance and may be abated as such.

1.23.050 Maintaining Public Nuisance Unlawful.

No person shall cause, maintain, or permit to be caused or maintained a public nuisance, as defined in this chapter, on any property, and every day such public nuisance continues shall be regarded as a new and separate violation.

1.23.060 Public Nuisance Abatement; Officer Responsible.

The County Counsel may commence an action and/or proceeding for abatement, removal, or enjoinder of any public nuisance, and may take such other steps as necessary and may apply to any court as may have jurisdiction to grant relief for such abatement, removal, or enjoinder. Any person violating any provision of this chapter may be subject to administrative enforcement, civil prosecution and/or criminal prosecution.

1.23.070 Abatement Cost Recovery.

In any action or proceeding to abate a public nuisance, whether by administrative proceeding, judicial proceeding, or summary abatement, the owner of the parcel upon which the public nuisance is found to exist shall be liable for all costs of abatement incurred by the County, including, but not limited to, administrative costs, enforcement costs, and any and all costs incurred in the physical abatement of the public nuisance.

1.23.080 Attorneys' Fees.

The prevailing party in any action or proceeding commenced by the County to abate a public nuisance shall be authorized to recover attorneys' fees. Recovery of attorneys' fees shall be limited to those actions or proceedings in which the County elects, at the initiation of that individual action or proceeding, to seek recovery of its own

attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.

1.23.090 Civil Penalties.

Any person who causes, maintains, or permits to be caused or maintained a public nuisance on any property shall be liable for a civil penalty for each day or part thereof that said public nuisance occurs. The County Counsel may seek the recovery of such civil penalties for the County in any civil proceeding described in Section 1.23.060.

A. For each violation described in Section 1.23.040 that would otherwise constitute a misdemeanor under this code, the civil penalty shall not exceed one thousand dollars (\$1,000).

B. For each violation described in Section 1.23.040 that would otherwise constitute an infraction under this code, the civil penalty shall be as set forth in the applicable provision of Government Code section 25132.

1.23.100 Treble Damages.

In addition to the penalties provided for in this chapter, upon entry of a second or subsequent civil or criminal judgment within a two-year period against an owner of a property responsible for a public nuisance and subject to this chapter, the court may order the owner to pay treble the costs of abatement, except if any such judgment relates to an abatement of conditions pursuant to section 17980 of California Health and Safety Code.

1.23.110 Cumulative Remedies.

The remedies provided for in this chapter are nonexclusive and are cumulative with any other remedy available to the County as provided for by law for the protection of the health, safety, and welfare of the people of the County of Los Angeles.

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